



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt the Following Resolutions Pertaining to the November 4, 2008, General Municipal Election:

(a) Resolution of the Lodi City Council Calling And Giving Notice of the General Municipal Election to be Held in the City on Tuesday, November 4, 2008, for the Election of Certain Officers of the City As Required by the Provisions of the Laws of the State of California Relating to General Law Cities;

(b) Resolution of the Lodi City Council Requesting the San Joaquin County Board of Supervisors to Render Specified Services to the City Relating to the Conduct of a General Municipal Election to be Held on Tuesday, November 4, 2008;

(c) Resolution of the Lodi City Council Setting Forth the Council's Policy Regarding Impartial Analyses, Arguments, and Rebuttal Arguments For Any Measure(s) That May Qualify to be Placed on the Ballot for the November 4, 2008, General Municipal Election; and

(d) Resolution of the Lodi City Council Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to be Held on Tuesday, November 4, 2008

MEETING DATE: May 21, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt the aforementioned resolutions pertaining to the November 4, 2008, General Municipal Election with respect to calling and noticing the election, consolidating the election with the County, setting forth the policy for any measures, and adopting regulations for candidates' statements, as is required by the California Elections Code.

BACKGROUND INFORMATION: The 2008 General Municipal Election for two City Council seats will be held on Tuesday, November 4, 2008. The terms of Council Members Johnson and Mounce are expiring. By State statute, a number of actions and decisions must be made by the City Council prior to the opening of nominations.

It will be necessary for the City Council to adopt a resolution calling and giving notice of the holding of a General Municipal Election in the City of Lodi on November 4, 2008. On October 19, 1988, the City Council adopted Ordinance No. 1438 consolidating Municipal Elections with Statewide General Elections. This Ordinance was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

APPROVED: _____
Blair King, City Manager

It is necessary for the City of Lodi to enter into an agreement with the County of San Joaquin to provide certain services in the conduct of the November 4, 2008, General Municipal Election. The City will reimburse the County for these services when the work is completed and upon presentation of a properly approved invoice to the City.

The State of California Elections Code sets forth that whenever any City measure(s) qualifies for a place on the ballot, the governing body may direct the elections official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

The California Elections Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter. Candidates' statements are designed to acquaint voters with a candidate's qualifications for the office they are seeking. The law requires the Council to adopt a policy no later than seven (7) days before the nomination period opens regarding the candidates' statements and obligation for payment. Elections Code §13307 allows the City to estimate the total cost of printing, handling, translating, and mailing the candidates' statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidate's statement may be borne by the City, the candidate, or the cost shared between them. As was approved by Council for previous elections, it is again recommended that the City Council approve charging the candidates for the actual costs associated with candidate's statements. The Council may authorize an increase in the limitation on words for the candidate's statement from 200 to 400 words. It is recommended that the City Council not increase the word limitation, which has historically been set at 200 words.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: The anticipated cost of the November 2008 General Municipal Election is \$55,000 and is budgeted for in the City Clerk's Departmental Budget for the 2008-09 Fiscal Year.

Respectfully submitted,

Randi Johl
City Clerk

RESOLUTION NO. 2008 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 4, 2008, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 4, 2008, for the election of municipal officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there is called and ordered to be held in the City of Lodi, California, on Tuesday, November 4, 2008, a General Municipal Election for the purpose of electing the qualified two (2) members of the City Council of said City for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk of the City of Lodi is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 21, 2008

I hereby certify that Resolution No. 2008 - ____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Randi Johl
City Clerk

RESOLUTION NO. 2008 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF
A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008

WHEREAS, a General Municipal Election is to be held in the City of Lodi,
California, on November 4, 2008; and

WHEREAS, in the course of conduct of the election, it is necessary for the City to
request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by
the City of Lodi.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI,
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS
FOLLOWS:

SECTION 1. That, pursuant to the provisions of §10002 of the Elections Code of
the State of California, this City Council requests the San Joaquin County Board of
Supervisors to permit the County Registrar of Voters' office to prepare and furnish to the
City of Lodi all materials, equipment, and services as agreed upon by the County
Registrar of Voters and the City Clerk for the conduct of the November 4, 2008, General
Municipal Election.

SECTION 2. That the City shall reimburse the County for services performed
when the work is completed and upon presentation to the City of a properly approved
invoice.

SECTION 3. That the City Clerk is directed to forward without delay to the Board
of Supervisors and the County Registrar of Voters' offices a certified copy of this
resolution.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this
resolution and enter it into the book of original resolutions.

Dated: May 21, 2008

I hereby certify that Resolution No. 2008 - ____ was passed and adopted by the Lodi City
Council in a regular meeting held May 21, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Randi Johl
City Clerk

RESOLUTION NO. 2008 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
SETTING FORTH THE COUNCIL'S POLICY REGARDING IMPARTIAL
ANALYSES, ARGUMENTS, AND REBUTTAL ARGUMENTS FOR ANY
MEASURE(S) THAT MAY QUALIFY TO BE PLACED ON THE BALLOT
FOR THE NOVEMBER 4, 2008, GENERAL MUNICIPAL ELECTION

WHEREAS, the State of California Elections Code sets forth that whenever any City measure(s) qualifies for a place on the ballot, the governing body may direct the City Elections Official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby set forth the following as it pertains to any measure(s) that may qualify to be placed on the ballot for the November 4, 2008, General Municipal Election:

SECTION 1. The City Council of the City of Lodi does hereby direct the City Clerk to transmit a copy of any measure(s) that would qualify to be voted upon at the November 4, 2008, General Municipal Election to the City Attorney to prepare an impartial analysis of the measure(s), showing the effect of the measure(s) on the existing law and the operation of the measure(s).

SECTION 2. The City Council of the City of Lodi does hereby determine that written argument for or against any city measure may be submitted pursuant to the Elections Code of the State of California. No argument shall exceed 300 words in length.

SECTION 3. The City Council of the City of Lodi does hereby determine that rebuttal arguments may be submitted pursuant to the Elections Code of the State of California. Rebuttal arguments shall not exceed 250 words in length.

Dated: May 21, 2008

I hereby certify that Resolution No. 2008 - ____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Randi Johl
City Clerk

2008 - ____

RESOLUTION NO. 2008 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE
PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS
AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Lodi on November 4, 2008, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, the City Clerk shall have all candidates statements translated into Spanish.
- B Pursuant to State law, the candidate's statement must be translated and printed (in the voters pamphlet) in any language at the candidates request.
- C. The City Clerk shall:
 - 1. Translations:
 - (a) have all candidates statements translated into the language specified in (a) above.
 - (b) have translated those statements into the languages as requested by the candidate in (b) above.
 - 2. Printing:
 - (a) print any translations of candidates who so request printing in the voters pamphlet.

SECTION 3. PAYMENT.

- A. Translations:
 - 1. The candidate shall be required to pay for the cost of translating the candidates statement into any required foreign language as specified in (a) and/or (b) above pursuant to Federal and/or State law.

2. The candidate shall be required to pay for the cost of translating the candidate's statement into any foreign language that is not required as specified in (a) and/or (b) of Section 2 above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

B. Printing:

1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the voters' pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language in the voters' pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voters' pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That this resolution shall apply only to the election to be held on November 4, 2008, and shall then be repealed.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 21, 2008

I hereby certify that Resolution No. 2008 - ____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2008, by the following vote:

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ABSTAIN: COUNCIL MEMBERS –

Randi Johl
City Clerk

2008 - ____